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State of New Hampshire
OFFICE OF ATTORNEY-GENERAL

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Attorney General

Emergency Fund

Honorable Lane Dwinell, Governor

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CONCORD, N.H.

Dear Governor Dwinell:

This is in regard to your telephone inquiry of yesterday morning on whether the Emergency Fund may properly be used in order to replace the present mobile X-ray unit of the Health Department through the purchase of a new one.

Upon an examination of the budget book submitted to the General Court and upon a discussion of the matter with Mr. Wilkins, it appears that the Health Department in its original budget requests asked the sum of \$32,000 for the purchase of a new mobile unit. The sum of \$1,500 at the same time was requested for repairs and alterations - presumably, I believe, to take care of repairs of the new vehicle, if it should be purchased, or of the old vehicle if it should be retained. The \$32,000 sum was not recommended to the Legislature; the \$1,500 figure was raised to \$5,000 and recommended to the Legislature. The Legislature was aware of the original request for the \$32,000, and of the reason that the \$1,500 figure had been raised to \$5,000 - such reason being, as I understand it, to provide for extensive repairs to the present vehicle.

An examination of the Emergency Fund (RSA 4:18) and of its predecessor provisions, demonstrate an increasing desire on the part of the Legislature to limit the purposes for which monies appropriated thereto may be spent. In every version of the statute the word "emergency" has been repeated. Webster defines an emergency as "an unforeseen combination of circumstances which calls for immediate action; also, less properly, exigency." The word not having been otherwise defined by the General Court, we are to give it its ordinarily accepted meaning:

"Words and phrases shall be construed according
to the common and approved usage of the language;
... ." RSA 21:2.

That the word was intended in RSA 4:18 to have the same meaning ascribed to it by Webster is plain from a reading of the entire statute, with note being had of the expression "emergency which may arise . . ."

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Upon these considerations it would appear that the present condition of the mobile unit is not the result of an emergency. It seems clear that an extensive breakdown of the machine was contemplated. Provision deemed adequate by the Legislature was made to compensate for such breakdown; the rather large sum of \$5,000 was provided to meet it.

Upon giving effect to the entire language of RSA 4:18 it would not seem that the present circumstances would permit the use of the Emergency Fund.

Very truly yours,

Warren E. Waters
Deputy Attorney General

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